

September 15, 2016

Via ECFS

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Ex Parte Submission: In the Matter of Expanding Consumers' Video Navigation Choices, MB Docket No. 16-42; Commercial Availability of Navigation Devices, CS Docket No. 97-80**

Dear Ms. Dortch:

In response to testimony at today's FCC Oversight Hearing before the Senate Commerce Committee, the undersigned collectively write to clarify for the record that the undersigned always have been – and remain – strongly opposed to any licensing construct in which the Commission has the ability to alter the provisions contained in any license that permits the distribution of copyrighted video programming.

While we continue to appreciate that the FCC has shifted its focus to apps, we cannot support any rules that require our content to be distributed on terms or conditions to which programmers would not agree. That is true whether the Commission's exercise of oversight relates to a license permitting a device manufacturer to distribute content via apps, or whether such oversight relates to the private commercial agreements that programmers enter into with multichannel video programming distributors. We have encouraged the Commission to include as part of any new rules certain protections to promote competition, consumer choice, and the continued investment in content, but we have never asked the FCC to interject itself into our agreements. Quite the contrary, we have consistently made clear that we believe that any government intervention in these agreements would be tantamount to a compulsory copyright license that the Commission lacks the authority to impose.

Accordingly, and in order to ensure that there is no confusion about our position, the Content Companies once again urge the Commission not to adopt any proposal that includes *any* FCC involvement in the licensing process or that grants the FCC *any* ability to establish the terms and conditions of a license related to the distribution of content.

This letter is being submitted electronically in the above-referenced dockets, which have been granted permit-but-disclose status, pursuant to Section 1.1206(b) of the Commission's Rules. Should you have any questions concerning this submission, kindly contact the undersigned.

Respectfully submitted,

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